REMARKS

Claims 1-61 and 72-93 are currently pending in the application and stand rejected.

Rejection under 35 U.S.C. §102

The Examiner acknowledges in Section 1 of the Action that Honda does not anticipate each and every limitation of claim 84, but asserts that Honda in combination with the newly-cited Kingdon reference anticipate claim 84. Yet, in Section 4 of the Action, the Examiner reiterates the previous rejection of claims 84 and 93 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,477,353 to Honda et al. Applicant assumes that this reiteration of the 102 rejection is an inadvertent error on the Examiner's part, and hereby addresses solely the Examiner's combination of Kingdon with Honda, which Applicant does not believe to be anticipatory of claim 84.

The Examiner acknowledges that Honda does not disclose a distance quantity. However, in the Examiner's understanding, "Kingdon teaches an actual distance quantity (See Column 4 lines 17-31, the latitude is a distance quantity)." Applicant respectfully but categorically disagrees with this mischaracterization of Kingdon. The portion cited by the Examiner in actuality states that:

> With reference now to FIG. 3 of the drawings, when an application (node) 340 requests positioning of a Mobile Station (MS) 300 within a cellular network 305, the requesting application (node) 340 can indicate the desired Quality of Service (QOS) 350 of the returned positioning information. This QOS 350 information can be expressed depending upon the desired format 355 of positioning information returned. For example, four types of formats 355 which can be used by requesting applications include a two-dimensional static value, e.g., latitude and longitude, a three-dimensional static value, e.g., latitude, longitude, and altitude, a two-dimensional velocity vector, e.g., a two-dimensional starting point and a two-dimensional vector, and a three-dimensional velocity vector, e.g., a three-dimensional starting point and a three-dimensional vector. *[emphasis added]*

The Examiner's assertion that "the latitude is a distance quantity" completely ignores the fact that Kingdon very specifically teaches latitude within the context of "a two-dimensional static value, e.g., latitude and longitude," which is very clearly a location, not a distance. Furthermore, latitude is generally understood as being an angle, not a distance. Even the Examiner's highly biased read of Kingdon is not anticipatory of the claim, as latitude can only be understood as being an distance from a very specific origin, namely *from the Equator*. Thus, even if one skilled in the art felt somehow motivated to force-fit this peculiar interpretation of the term "latitude" into the teachings of Honda, the result would be the transmission of a distance from the Equator, which is most certainly not the presently claimed distance from a location specified by a first component. Furthermore, as disclosed in great detail below, Honda is deficient in other aspects *vis a vis* the present claims, and regardless of any other creative combinations with Kingdon that the skilled person might attempt, the results could never be anticipatory of the presently claimed invention.

Applicant thus respectfully submits that neither Honda, nor Honda and Kingdon, render claim 84 either anticipated or obvious, and requests the Examiner to kindly reconsider and pass this claim to issue. Claim 93 depends from claim 84, and for this reason is also deemed to be allowable.

Rejection under 35 U.S.C. 103

Claims 1-18, 20, 24-30, 32, 36-42, 44, 48-60, 62-65, 67-70 and 72-83 and 85-92 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,477,353 to Honda in view of U.S. Patent No. 6,078,818 to Kingdon. Claims 19, 31 and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Honda in view Kingdon and further in view of U.S. Pat. No. 6,327,533 to Chou.

Applicant has previously addressed the Examiner's incorrect assertion that Kingdon teaches a distance quantity, and has thereby shown that the combination of Honda and Kingdon does not in fact produce the result alleged by the Examiner. Applicant further notes that claim 1 as amended herein is directed to a method wherein location data items are diffused between entities, each location data item specifying a known location at which it originated and including a distance quantity indicative of an upper bound value for the distance to the specified known

location, each entity increasing the distance quantity of each location data item it handles to take account of additional travel of the location data item as perceived by the entity. The Examiner has acknowledged that Honda does not teach a distance quantity but, in Section 1 of the present Action, makes repeated references to Honda teaching "distance related quantities" such as location coordinates from which distance can be calculated.

Applicant respectfully reminds the Examiner of the requirements posited by MPEP 2143.03 that "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." (emphasis added) The Examiner's re-interpretation of the claim language is completely at odds with the plain meaning of the language of the claim. Location is not the same as "distance-related" any more than volume is the same as "mass-related." There is a definite geometric relationship between each, but one is not the other. Honda very explicitly teaches that each and every mobile entity that receives the information from a previous entity must calculate its own position, and based upon this calculation it must then calculate the distance to the origin of the information. This distance quantity is then used by the mobile entity to decide whether to pass the information on or not. Very significantly, if the entity does decide to pass the information on, the information does not contain the distance calculated by the entity. This is in direct and stark contrast with claim 1, which plainly recites that each location data item that is diffused between entities contains a distance quantity indicating an upper value for the distance to the origin, and furthermore that each entity that receives such an item increases the distance quantity in that item by the amount of travel perceived by the entity. There is simply no analog to such a distance quantity being contained in the information that is transmitted within the system of Honda. Each entity of Honda calculates its own distance quantity, and does not pass this quantity on to any other entity. The Examiner's assertion that the location information passed on by Honda is "distance-related" has no significance whatsoever with respect to the novelty of claim 1. Honda's teachings are clear and unequivocal – its mobile entities do not receive a distance quantity, do not update a received distance quantity, and do not transmit an updated distance quantity.

In the interest of completeness, Applicant further notes that the distance quantity recited in claim 1 is clearly defined as being indicative of an upper bound value for the distance to the specified known location. In Honda, on the other hand, the mobile entities calculate their position with a high degree of accuracy with means such as GPS devices (see, e.g., col. 7, l. 25 – col. 8, l. 12). Thus, the distances calculated by each mobile entity of Honda are also highly accurate, and can at best be understood by the skilled person as representing a lower bound for the distance between the mobile entity and the origin of the information.

In view of all of the above, Applicant submits that claim 1 is allowable and respectfully requests the Examiner to reconsider and pass the claim to issue.

Claims 2-47 and 86 depend from claim 1. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, in light of the above discussion of claim 1, Applicant submits that claims 2-47 and 86 are also allowable and are therefore not individually addressed elsewhere herein.

Claims 48, 72, 73, 74, 83 and 85 each recite the novel limitations discussed above with respect to claim 1. Thus, Applicant submits that the above discussion of the cited art is equally relevant to the patentability of these claims, and respectfully requests the Examiner to reconsider and pass these claims to issue as well.

Claims 49-61 depend from claim 48, claims 76-82 and 91 depend from claim 75, and claim 92 depends from claim 83. Applicant therefore submits that these claims are also patentable because they are dependent from patentable independent claims, and are thus not individually addressed elsewhere herein.

* * *

Applicant notes that certain clarifying amendments have been made to the claims. These amendments are supported by the specification as filed, and introduce no new matter. These amendments are made for the purpose of clarifying the scope of the claims, and not for reasons related to patentability because, as explained above, the claims all recite originally-filed limitations that are not anticipated by the cited art.

In view of the above, Applicant submits that the application is now in condition for allowance and respectfully urges the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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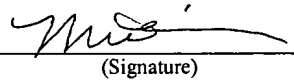
Mia Kim
(Name of Person Transmitting)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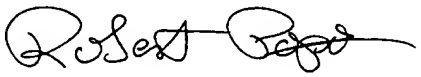
Respectfully submitted,



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